



THE CITY OF NEW YORK
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August 20, 2018

Via ECF:

Honorable Andrew L. Carter, Jr.
United States District Court
Southern District of New York
40 Foley Square, Room 435
New York, NY 10007

Re: Mohamed Abdelal vs. Commissioner Raymond W. Kelly, City of New York
Docket No. 13 CV 04341 (ALC)

Dear Judge Carter:

I am the Assistant Corporation Counsel assigned to the defense of the above-captioned action. Defendants write to oppose Plaintiff's request to re-brief or re-submit the previously fully submitted Motion for Summary Judgment. See ECF No. 155.

In their August 20, 2018 request to re-brief, Plaintiff provides no grounds upon which to justify the re-briefing of the parties' previously fully submitted summary judgment papers. On July 6, 2016, Defendants filed their Motion for Summary Judgment and supporting documents. See ECF Nos. 110-113. On September 21, 2016, the motion was fully submitted for the Court's consideration. See ECF Nos. 110-113, 120-122, and 127-128. On March 31, 2017, the Court granted Defendants' Motion for Summary Judgment on the procedural grounds that Plaintiff's claims were precluded and time-barred. See ECF No. 130. Plaintiff subsequently appealed the Court's Order granting summary judgment and the Second Circuit reversed and remanded "the case to the district court to consider, in the first instance, the merits of the claims..." See ECF No. 133, 142.

On June 8, 2018, Plaintiff filed a motion to re-open discovery which was opposed and subsequently denied by the Court. See ECF Nos. 147-154. There the Court determined that "Plaintiff had failed to demonstrate that there is good cause for reopening discovery in this matter." See ECF No. 154. Here, Plaintiff similarly provides no good cause for re-briefing or re-filing the motion for summary judgment which was fully briefed and opposed in 2016.

Pursuant to the Second Circuit's directive, and the Court's decision denying Plaintiff's request to re-open discovery, Defendants respectfully request that the Court make a

determination on the merits of the case upon the Defendants' July 6, 2016 Motion for Summary Judgment.

Thank you for your consideration of this request.

Respectfully submitted,

/s/ Tomasz Pacholec
Tomasz Pacholec
Assistant Corporation Counsel

CC: Christopher Q. Davis, Esq. (Via ECF)
THE LAW OFFICE OF CHRISTOPHER Q. DAVIS